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WENDEROTH LIND & PONACK
2033 K STREET NW SUITE 800
WASHINGTON DC 20006

In re Application of:

MINAMITANI, NORIO et al

Serial No.: ~~09/319,906~~ 09/292386 174

Filed: Apr. 15, 1999

Docket: 761/99-2075

Title: LOOM RESTARTING METHOD

Withdrawal Holding of
Abandonment

This is a decision on the petition to withdraw holding of abandonment, filed on Jul. 21, 2000 with a second request filed on Aug. 8, 2006.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the Office action mailed on Dec. 9, 1999, which set a three month shortened period for reply. Notice of abandonment was mailed on Jul. 18, 2000.

Petitioner asserts that a response to the Non-Final Office action was filed by facsimile transmission on Mar. 9, 2000. In support, petitioner has supplied a copy of a facsimile transmittal report indicating that the amendment was successfully transmitted. A copy of the amendment also contains a Certificate of Facsimile Transmission Under 37 CFR 1.8 dated Mar. 9, 2000, signed by registered patent attorney Michael S. Huppert.

As petitioner has provided convincing evidence that a timely reply to the Office action of Dec. 9, 1999 was timely filed by facsimile transmission on Mar. 9, 2000, there is no abandonment in fact. Any inconvenience or delay caused to applicant is regretted.

In view of the above, the Notice of Abandonment mailed Jul. 18, 2000 is in error and is hereby vacated. The holding of abandonment is withdrawn. This application is being forwarded to the examiner in Art Unit 3765 for appropriate action.

Summary: Holding of Abandonment Withdrawn.

Karen M. Young
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